

110TH CONGRESS
2D SESSION

H. R. 6064

To encourage, enhance, and integrate Silver Alert plans throughout the
United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2008

Mr. DOGGETT (for himself, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. McNERNEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. STUPAK, Ms. CLARKE, Ms. TSONGAS, Mr. CARSON, Mr. JOHNSON of Georgia, and Mr. GONZALEZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage, enhance, and integrate Silver Alert plans
throughout the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Silver Alert
5 Act”.

1 **SEC. 2. SILVER ALERT COMMUNICATIONS NETWORK.**

2 The Attorney General shall, subject to the availability
3 of appropriations under section 8, establish a national Sil-
4 ver Alert communications network within the Department
5 of Justice to provide assistance to regional and local
6 search efforts for missing seniors through the initiation,
7 facilitation, and promotion of local elements of the net-
8 work (known as Silver Alert plans) in coordination with
9 States, units of local government, law enforcement agen-
10 cies, and other concerned entities with expertise in pro-
11 viding services to seniors.

12 **SEC. 3. SILVER ALERT COORDINATOR.**

13 (a) COORDINATION WITHIN DEPARTMENT OF JUS-
14 TICE.—The Attorney General shall assign an officer of the
15 Department of Justice to act as the national coordinator
16 of the Silver Alert communications network. The officer
17 so designated shall be known as the Silver Alert Coordi-
18 nator of the Department of Justice (referred to in this
19 Act as the “Coordinator”).

20 (b) DUTIES OF THE COORDINATOR.—In acting as the
21 national coordinator of the Silver Alert communications
22 network, the Coordinator shall—

23 (1) work with States to encourage the develop-
24 ment of additional Silver Alert plans in the network;

25 (2) establish voluntary guidelines for States to
26 use in developing Silver Alert plans that will pro-

1 mote compatible and integrated Silver Alert plans
2 throughout the United States, including—

3 (A) a list of the resources necessary to es-
4 tablish a Silver Alert plan;

5 (B) criteria for evaluating whether a situa-
6 tion warrants issuing a Silver Alert, taking into
7 consideration the need for the use of such
8 Alerts to be limited in scope because the effec-
9 tiveness of the Silver Alert communications net-
10 work may be affected by overuse, including cri-
11 teria to determine—

12 (i) whether a senior who is missing
13 has been adjudicated by a court to be in-
14 capable of managing his or her own per-
15 sonal affairs (such as through a guardian-
16 ship proceeding), or has a documented di-
17 agnosis of a mental illness, injury, or con-
18 dition that causes the senior to be incapa-
19 ble of making personal care decisions; and

20 (ii) whether the individual who reports
21 that a senior is missing is an appropriate
22 and credible source on which to base the
23 issuance of a Silver Alert;

1 (C) guidelines with respect to the use of
2 the Silver Alert name to readily identify the na-
3 ture of search efforts for missing seniors; and

4 (D) guidelines to protect the privacy, dig-
5 nity, independence, and autonomy of any miss-
6 ing senior who may be the subject of a Silver
7 Alert;

8 (3) develop proposed protocols for efforts to re-
9 cover missing seniors and to reduce the number of
10 seniors who are reported missing, including protocols
11 for procedures that are needed from the time of ini-
12 tial notification of a law enforcement agency that
13 the senior is missing through the time of the return
14 of the senior to family, guardian, or domicile, as ap-
15 propriate, including—

16 (A) public safety communications protocol;

17 (B) case management protocol;

18 (C) command center operations;

19 (D) reunification protocol; and

20 (E) incident review, evaluation, debriefing,
21 and public information procedures;

22 (4) work with States to ensure appropriate re-
23 gional coordination of various elements of the net-
24 work;

1 (5) establish an advisory group to assist States,
2 units of local government, law enforcement agencies,
3 and other entities involved in the Silver Alert com-
4 munications network with initiating, facilitating, and
5 promoting Silver Alert plans, which shall include—

6 (A) to the maximum extent practicable,
7 representation from the various geographic re-
8 gions of the United States; and

9 (B) members who are—

10 (i) representatives of senior citizen ad-
11 vocacy groups, law enforcement agencies,
12 and public safety communications,

13 (ii) broadcasters, first responders, dis-
14 patchers, and radio station personnel; and

15 (iii) representatives of any other indi-
16 viduals or organizations that the Coordi-
17 nator determines are necessary to the suc-
18 cess of the Silver Alert communications
19 network; and

20 (6) act as the nationwide point of contact for—

21 (A) the development of the network; and

22 (B) regional coordination of alerts for
23 missing seniors through the network.

24 (c) COOPERATION WITH OTHER AGENCIES.—The
25 Coordinator shall cooperate with the Secretary of Trans-

1 portation, the Federal Communications Commission, the
 2 Assistant Secretary for Aging of the Department of
 3 Health and Human Services, and other appropriate offices
 4 of the Department of Justice in carrying out activities
 5 under this Act.

6 (d) REPORTS.—Not later than one year after the date
 7 of the enactment of this Act, and annually thereafter, the
 8 Coordinator shall submit to Congress a report on the ac-
 9 tivities of the Coordinator and the effectiveness and status
 10 of the Silver Alert plans of each State that has established
 11 or is in the process of establishing such a plan.

12 **SEC. 4. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
 13 **SEMINATION OF ALERTS THROUGH SILVER**
 14 **ALERT COMMUNICATIONS NETWORK.**

15 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—
 16 Subject to subsection (b) of this section, the Coordinator
 17 shall establish minimum standards for—

- 18 (1) the issuance of alerts through the Silver
 19 Alert communications network; and
 20 (2) the extent of the dissemination of alerts
 21 issued through the network.

22 (b) LIMITATIONS.—

- 23 (1) VOLUNTARY PARTICIPATION.—The min-
 24 imum standards established under subsection (a) of
 25 this section, and any other guidelines and programs

1 established under section 3, shall be adoptable on a
2 voluntary basis only.

3 (2) DISSEMINATION OF INFORMATION.—The
4 minimum standards shall, to the maximum extent
5 practicable (as determined by the Coordinator in
6 consultation with State and local law enforcement
7 agencies), provide that appropriate information re-
8 lating to the special needs of a missing senior (in-
9 cluding health care needs) are disseminated to the
10 appropriate law enforcement, public health, and
11 other public officials.

12 (3) GEOGRAPHIC AREAS.—The minimum stand-
13 ards shall, to the maximum extent practicable (as
14 determined by the Coordinator in consultation with
15 State and local law enforcement agencies), provide
16 that the dissemination of an alert through the Silver
17 Alert communications network be limited to the geo-
18 graphic areas which the missing senior could reason-
19 ably reach, considering the missing senior's cir-
20 cumstances, physical and mental condition, and
21 modes of transportation available to the missing sen-
22 ior.

23 (4) AGE REQUIREMENTS.—The minimum
24 standards shall not include any specific age require-
25 ment for an individual to be classified as a missing

1 senior for purposes of the Silver Alert communica-
2 tion network. Age requirements for determinations
3 of whether an individual is a missing senior shall be
4 determined by each State, and may vary from State
5 to State.

6 (5) PRIVACY AND CIVIL LIBERTIES PROTEC-
7 TIONS.—The minimum standards shall—

8 (A) ensure that alerts issued through the
9 Silver Alert communications network comply
10 with all applicable Federal, State, and local pri-
11 vacy laws and regulations; and

12 (B) include standards that specifically pro-
13 vide for the protection of the civil liberties and
14 sensitive medical information of missing sen-
15 iors.

16 (c) COOPERATION.—

17 (1) COOPERATION WITH AGENCIES.—The Coor-
18 dinator shall cooperate with the Secretary of Trans-
19 portation, the Federal Communications Commission,
20 the Assistant Secretary for Aging of the Department
21 of Health and Human Service, and the head of the
22 Missing Alzheimer’s Disease Patient Alert Program
23 in carrying out the activities under this section.

24 (2) STATE AND LOCAL COOPERATION.—The Co-
25 ordinator shall also cooperate with local broadcasters

1 and State and local law enforcement agencies in es-
2 tablishing minimum standards under this section,
3 except that the Coordinator may not interfere with
4 the current system of voluntary coordination be-
5 tween local broadcasters and State and local law en-
6 forcement agencies for purposes of the Silver Alert
7 communications network.

8 **SEC. 5. TRAINING AND OTHER RESOURCES.**

9 (a) **TRAINING AND EDUCATIONAL PROGRAMS.**—The
10 Coordinator shall make available to States, units of local
11 government, law enforcement agencies, and other con-
12 cerned entities that are involved in initiating, facilitating,
13 or promoting Silver Alert plans, including broadcasters,
14 first responders, dispatchers, public safety communica-
15 tions personnel, and radio station personnel—

16 (1) training and educational programs related
17 to the Silver Alert communication network and the
18 capabilities, limitations, and anticipated behaviors of
19 missing seniors, which shall be updated regularly to
20 encourage the use of new tools, technologies, and re-
21 sources in Silver Alert plans; and

22 (2) informational materials, including bro-
23 chures, videos, posters, and web sites to support and
24 supplement such training and educational programs.

1 (b) COORDINATION.—The Coordinator shall coordi-
2 nate—

3 (1) with the Assistant Secretary for Aging of
4 the Department of Health and Human Services in
5 developing the training and educational programs
6 and materials under subsection (a); and

7 (2) with the head of the Missing Alzheimer’s
8 Disease Patient Alert Program within the Depart-
9 ment of Justice, to determine if any existing mate-
10 rial with respect to training programs or educational
11 materials developed or used as part of such Patient
12 Alert Program are appropriate and may be used for
13 the programs under subsection (a).

14 **SEC. 6. GRANT PROGRAM FOR SUPPORT OF SILVER ALERT**
15 **PLANS.**

16 (a) GRANT PROGRAM.—Subject to the availability of
17 appropriations to carry out this section, the Attorney Gen-
18 eral shall carry out a program to provide grants to States
19 for the development or enhancement of programs and ac-
20 tivities for the support of Silver Alert plans and the Silver
21 Alert communications network.

22 (b) ACTIVITIES.—Activities funded by grants under
23 the program under subsection (a) may include—

1 (1) the development and implementation of edu-
2 cation and training programs, and associated mate-
3 rials, relating to Silver Alert plans;

4 (2) the development and implementation of law
5 enforcement programs, and associated equipment,
6 relating to Silver Alert plans;

7 (3) the development and implementation of new
8 technologies to improve Silver Alert communications;
9 and

10 (4) such other activities as the Attorney Gen-
11 eral considers appropriate for supporting the Silver
12 Alert communications network.

13 (c) FEDERAL SHARE.—The Federal share of the cost
14 of any activities funded by a grant under the program
15 under subsection (a) may not exceed 50 percent.

16 (d) DISTRIBUTION OF GRANT AMOUNTS ON GEO-
17 GRAPHIC BASIS.—The Attorney General shall, to the max-
18 imum extent practicable, ensure the distribution of grants
19 under the program under subsection (a) on an equitable
20 basis throughout the various regions of the United States.

21 (e) ADMINISTRATION.—The Attorney General shall
22 prescribe requirements, including application require-
23 ments, for grants under the program under subsection (a).

24 (f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) There is authorized to be appropriated for
2 the Department of Justice \$5,000,000 for fiscal year
3 2009 to carry out this section and, in addition,
4 \$5,000,000 for fiscal year 2009 to carry out sub-
5 section (b)(3).

6 (2) Amounts appropriated pursuant to the au-
7 thorization of appropriations in paragraph (1) shall
8 remain available until expended.

9 **SEC. 7. DEFINITIONS.**

10 For purposes of this Act:

11 (1) STATE.—The term “State” means each of
12 the 50 States, the District of Columbia, the Com-
13 monwealth of Puerto Rico, the United States Virgin
14 Islands, Guam, American Samoa, and the Common-
15 wealth of the Northern Mariana Islands.

16 (2) MISSING SENIOR.—The term “missing sen-
17 ior” refers to any individual who—

18 (A) is reported to, or identified by, a law
19 enforcement agency as a missing person; and

20 (B) meets the requirements to be des-
21 ignated as a missing senior, as determined by
22 the State in which the individual is reported or
23 identified as a missing person.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the De-
3 partment of Justice such sums as may be necessary to
4 carry out the Silver Alert communications network.

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